

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
WASHINGTON, DC 20463

RECEIVED  
FEDERAL MAIL  
OPERATIONS CENTER

2005 APR -5 A 9:03

March 31, 2005 MAY -4 A 9:38

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Orville F. Petersen, CPA  
225 N. 5<sup>th</sup> St, Ste 401  
Grand Junction, CO 81501

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2005 APR -5 A 10:14

Re: Friends of Scott McInnis, Inc.

Dear Sir or Madam:

AOR 2005-6

Former congressman Scott McInnis intends to make a contribution to our newly-formed non-profit entity and we would like a favorable determination from you that this will be an acceptable expenditure from his campaign.

We are aware that charitable contributions can be made from the campaign. However, since our organization is newly formed and bears the congressman's last name, Mr. McInnis has asked us to get a letter from you stating that this in an acceptable expenditure before he makes the contribution.

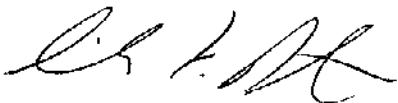
Our organization is called the "Friends of McInnis Canyons NCA". We filed our non-profit articles of incorporation with the Colorado Secretary of State on February 28, 2005. We are in the process of completing our 501(c)(3) application to be filed with the IRS. Our mission is to support the McInnis Canyons National Conservation Area by providing funds and volunteers to do such things as trail maintenance, habitat improvement, and educational activities among others. Mr. McInnis does not have a financial interest in this organization nor does he serve on the board of directors or have any control over the organization. The board is made up of community leaders who view the NCA as a vital part of our community.

Mr. McInnis has graciously offered to kick start our fundraising campaign by making a contribution to us from his campaign committee as long as we receive your blessing. Current IRS rules allow prospective donors to make contributions to organizations that are newly formed but haven't received their determination letter yet, so from the IRS standpoint, this contribution would be allowed. If we could get a favorable determination from you, that would be truly appreciated.

If you need any further information in order to make your decision, please do not hesitate to contact me. My toll free number is 877-245-8080. My email address is [orvillep@csdcpa.com](mailto:orvillep@csdcpa.com) or you can contact me by letter at the address above.

As time is of the essence, your prompt reply is appreciated.

Sincerely,



Orville F. Petersen, CPA  
Treasurer



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 15, 2005

Orville F. Petersen, C.P.A.  
Treasurer  
Friends of McInnis Canyons NCA  
225 North 5<sup>th</sup> Street, Suite 401  
Grand Junction, CO 81501

Dear Mr. Petersen:

This refers to your letter dated March 31, 2005, concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to a donation that a former Federal officeholder is planning to make to your organization, "Friends of McInnis Canyons National Conservation Area" ("Friends of McInnis Canyons NCA").

You describe Friends of McInnis Canyons NCA as a not-for-profit organization, named after former Congressman Scott McInnis, that has recently filed its articles of incorporation with the Colorado Secretary of State. You indicate that it is also in the process of completing its 501(c)(3) application, which will be filed with the United States Internal Revenue Service. Friends of McInnis Canyons NCA's mission is to support the McInnis Canyons National Conservation Area by providing funds and volunteers to do such things as trail maintenance, habitat improvement, and educational activities.

Former Congressman McInnis has offered to donate funds to Friends of McInnis Canyons NCA from the cash balance of his former principal campaign committee, Friends of Scott McInnis. You ask whether such a donation would be permissible under the Act and the Commission's regulations.


The Act authorizes the Commission to issue an advisory opinion request in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. 437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c). The regulations further explain that the Office of General Counsel shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. 11 CFR 112.1(d).

In view of the above requirements, please provide responses to the following questions.

- (1) Please indicate whether any of Friends of McInnis Canyons NCA's funds will be used to influence any Federal election.
- (2) Please state whether Friends of McInnis Canyons NCA employs any person who was a member of former Congressman McInnis's former Congressional staff.
- (3) Although you state that former Congressman McInnis does not have a financial interest in Friends of McInnis Canyons NCA, please indicate whether he or anyone in his family will receive any income from Friends of McInnis Canyons NCA.

Upon receipt of your responses, this office will give further consideration to your inquiry. If you have any questions about the advisory opinion process or this letter, please contact Robert Knop, an attorney in this office, at 202-694-1650.

Sincerely,

  
Rosemary C. Smith  
Associate General Counsel

April 19, 2005

Rosemary C. Smith  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2005 APR 29 A 10: 52

Re: Friends of McInnis Canyons NCA

Dear Ms. Smith,

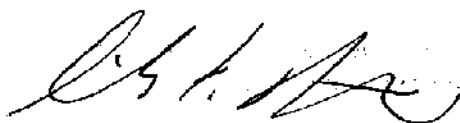
Thank you for your prompt reply of our letter dated March 31, 2005. In your reply, you requested answers to three questions. Following are those responses.

1. Funds from the Friends of McInnis Canyons NCA will not be used to influence any federal election.
2. Friends of McInnis Canyons NCA will not be employing any former member of congressman McInnis' staff.
3. Neither Congressman McInnis nor any of his family will derive any income from Friends of McInnis Canyons NCA.

Once again, thank you for your response. Hopefully, the above information will allow you to proceed with our inquiry. Please let me know if anything further is needed.

Sincerely,

Friends of McInnis Canyons NCA



Orville F. Petersen, CPA, Treasurer